

To the Honorable Judge Whitney.

My name is April Dickinson. I earned my bachelor's degree from the University of Washington with a major in Law, Societies, and Justice (a competitive degree program under the Political Science department that focused on the American criminal justice system, comparative law, and case studies) and a minor in Human Rights. On the day of my graduation this past June, I was offered a position as a case manager for a downtown Seattle Law Firm. I have been working there ever since supporting two criminal defense attorneys and managing approximately 125 cases, ranging from misdemeanors to class B felonies. I openly admit that, besides my deep affection and love for Justin Emch, my education and work experience has heavily shaped my perspective in this case and that I will likely express strong political opinions in this letter. However, my primary intention is to provide you, Your Honor, a stranger to the defendant, a glimpse into his character and how his life has been affected by this incident.

I have been together with Justin since January of 2004. We have been living together for the past two years and during this time, I have come to know Justin on intimately emotional, intellectual, and behavioral levels. I have been by Justin's side and have supported him from the moment I learned that the FBI had entered his home. I have witnessed and experienced the changes in his behavior and persona in ways that many others may not be able to account for. Because of how close we have become and all that we have shared together, I feel confident that I can verify that Justin feels deep remorse, regret, and disappointment about his actions and wishes every day that he could take it back.

I had always known that Justin downloaded music and movies in ways that were not legal, but I knew many others who did the same thing and, as many Americans would agree, did not think much of it. However, long before the FBI burst into his life, Justin had taken steps to discontinue illegal downloading and to utilize conventional means for acquiring movies and music. He subscribed to Netflix in February of 2004 and BMG Music shortly after. We also frequented Hollywood Video to purchase previously viewed DVDs and went to myriad music stores (such as Cellophane Square, Best Buy, Warehouse Music, Tower Records, and Silver Platters) to buy new and used CDs. To be honest, I often cringed at how much money Justin was willing to spend for such things but now I no longer need to be reminded that these forms of entertainment are truly integral to Justin's life and his passion for music and film would be evident to anyone who is lucky enough to make his acquaintance.

The day after the FBI raided Justin's home, I had a strong sense that he would never quite be the same. Him and I enjoy watching movies together; we watch anywhere from 2-5 movies a week (before and after the incident). Now, each time he sees the FBI warning pop-up, he turns away and retreats for a

moment. At the very beginning of the situation, he would ask me to tell him when the warning had exited the screen. This is not a demonstration of denial but rather of how deeply the incident has affected him and of his pure disdain for his mistake. He has no prior criminal history and he has confided in me that he has never felt depressed before this time period in his life. He often expresses that he feels like a failure; that he could've prevented this from happening, but just never thought it would happen to him. To a certain extent he has been paralyzed by this event: too scared to pursue higher level positions in fear that employers would find out about his charge and too scared even to tell his own family, his two brothers and parents, the people that are most important to him. Each time he considers doing it, he backs down from fear of the disappointment and rejection he anticipates from them. It was extremely hard for him to tell even his closest friends and has only in the past few weeks been able to open up about the experience with most of them. He has since realized that his friends and co-workers are rallying around him with support rather than disappointment because they believe in him and trust that he had never intended to get himself into this kind of trouble.

Ever since the investigation began, Justin has never reverted back to illegal downloading. The sole sources of his current digital music collection come from subscription services or are copied off of CDs that he has purchased. He bought a membership to a site called Emusic.com and has since maintained monthly subscriptions to iTunes and Zune Marketplace. He continues to purchase CDs from locations that offer both new and used options. We still go together to Hollywood Video to pick through their previously viewed DVD selection and have subscribed to Comcast onDemand (Northwest Cable Television Provider) to watch digital movies.

Justin has since never demonstrated even the slightest temptation to use non-legal means for downloading and has encouraged his friends, family members, my friends, and other acquaintances to use the services that he now swears by, not only because he recognizes them as legitimate means for downloading entertainment, but also because of the higher quality of product. I have witnessed him making these claims and make arguments as to why legal downloading is in fact a better option.

Having been with Justin for almost four years, I obviously find him to be an outstanding man. He makes me laugh and shows his love in ways that truly make me happy. The thing that I thought best to share is how he has integrated into my family's lives. He continuously helps my mom sell artwork online, an avenue that she is really trying to get into. My mom's family is Chinese and he has tried to learn some Chinese in order to speak with the members of my family that don't speak English. Though his progress is slow (very slow), he has managed to learn how to say the numbers 1-5 and most importantly, how to say "I love you"; a phrase that is rarely ever used in colloquial Chinese. Regardless, every time he says goodbye to my mom or my grandmother, he adds a "woh ai ni" and never fails to get a giggle or a big toothless grin (respectively). On my dad's side, my grandmother shows instant affection with people that she likes. The day she met Justin, she embraced him and gave him a big ol' kiss on the lips. This made me nervous at first because I feared that he, like most adult men I would assume, would not be comfortable with a kiss like that from their girlfriend's grandma. But Justin never showed any awkwardness, never shied away, and always reciprocated her kisses and "I love you"s. Though these simple acts may seem small, it's something that truly demonstrates his loving nature and his inherent

desire to make people smile. They show the ways in which my family, both the Chinese and American sides have accepted Justin as a member of our family.

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In my perspective, a punishment fits a crime when it adequately rehabilitates an offender, protects society from the harm that they had caused or are likely to cause in the future, and to serve as a deterrent effect. Though I am not trained as an attorney and cannot legally confirm that my understanding is in anyway true, I have been lead to believe so through my studies at the University of Washington. In terms of rehabilitation, I have explained how Justin's behavior has changed and taken a turn for the better. He no longer uses illegal means for obtaining entertainment and will not in the future. In regards to deterrence, this situation has surely deterred Justin from any and all potentially criminal acts and I also believe that Justin's experience will also deter those around from committing such as crime as well. I would consider a sentence of imprisonment not to serve to protect the community as he does not pose a threat to citizens nor society at large and it would undermine Justin's ability to continue to rehabilitate from this crime.

A sentence of probation plus community service would seem most fitting because it would allow Justin to compensate losses to the entertainment community by initiating awareness of why such an action is a crime and perhaps generate programs that teach individuals about appropriate methods for enjoying digital entertainment, methods that Justin has since solely been using for his personal entertainment.

His current probation term has already significantly impacted Justin's life. Before Justin was formally charged, he served as the Global Device manager for Window's Mobile, a sector of the world's largest leading software company, Microsoft. This position sent him all over the world to teach members of Microsoft's worldwide team about this new mobile technology. Justin's vast knowledge and skill caused him to be invited to several seminars and events all over the country and other countries abroad. He was even asked to go to India where Microsoft's call center is located, to instruct call center representatives to effectively troubleshoot Window's Mobile Devices for all of Microsoft's customers. From 2003 until the time he was charged, he traveled to Ireland, Greece, Canada, and twice to India, all for work related events. Because his probation terms, Justin has been restricted from traveling internationally. Justin has shared with me emails from some of the highest level members of the Microsoft Corporation asking him for his personal assistance with their own Windows Mobile phones. Justin never hesitated to extend his knowledge to these individuals and he was even responsible for providing Microsoft with online content intended to be the ultimate guide to these devices. Though this term of probation allowed Justin to continue to contribute to the information technologies field, it has also limited the ways in which the rest of the corporation can gain from Justin's skill and knowledge.

On a more personal note, both Justin and I aspire to travel abroad and experience different cultures. In March of 2005, Justin and I traveled together to Singapore to celebrate my 21<sup>st</sup> birthday and the year before that was spent in Canada for my 20<sup>th</sup> birthday. Since then, Justin has not been able to join me on any of my international trips to Taiwan, India, Italy, Spain, France, and the Netherlands. He has not been able to visit my family with me in Taiwan and China, as I hope someday soon we both will do together.

He takes the terms of his probation so seriously that he actually refused to move with me to Chicago to live for three months over the past summer. Though traveling within the United States is permitted by probation, he did not want to demonstrate any behavior that would reflect negatively against him. This is just another example of how deeply this incident has affected him and how much impact it has had on his life and behavior.

Your Honor, I hope that this letter has provided you with the insight necessary to comfortably and confidently find a judgment in favor of Justin Emch. Though probation may be the lightest sentence available in this case, it is also an accepted punishment that aligns with the letter of the law. I further hope that I have specified enough evidence in support of the changes Justin has made in his life and that you will be left with no doubt that Justin deserves the chance to redeem himself through probation. You hold the power in your hands to give back to Justin the breath that he has been holding for over three long years.

Thank you, Honorable Judge Whitney, for your time and careful consideration.

Most sincerely,

A handwritten signature in black ink, appearing to read 'April Dickinson', with a stylized, cursive script.

April Dickinson